

EXHIBIT A

CENTER FOR
Gender & Refugee
STUDIES

March 26, 2018

FOIA/PA Mail Referral Unit
U.S. Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001
Phone: (202) 616-3837
Via e-mail: MRUFOIA.Requests@usdoj.gov

Re: Freedom of Information Act Request for Individual Records on Expedited Basis

Dear FOIA Officer:

This is a request for information under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, in the custody or control of the U.S. Department of Justice ("DOJ").

I am filing this request on behalf of my client, [REDACTED] (A# [REDACTED]); enclosed please find Form DOJ-361 Certification of Identity authorizing release of this information to me. Ms. B [REDACTED] requests disclosure of the following:

- All records¹ that were prepared, received, transmitted, collected and/or maintained by DOJ that contain, discuss, refer to, or are related to the Attorney General's decision to certify to himself Ms. B [REDACTED] asylum case, *see Matter of A-B-*, 27 I&N Dec. 227 (A.G. 2018).

Additionally, Ms. B [REDACTED] requests **expedited treatment** for this FOIA request, as described further in the attached certified statement, pursuant to 5 U.S.C. § 552(a)(6)(E)(ii) and 28 CFR § 16.5(e)(1)(iii), (iv). Without this information, Ms. B [REDACTED] faces the "loss of substantial due process rights" in her case. Currently, her briefing to the Attorney General in this certified case is due April 6, 2018. Absent the requested information on the Attorney General's decision to certify the case to himself, she faces the risk of being unable to fully raise and articulate due process concerns around the certification decision in her briefing. Notably, her asylum appeal was last sustained by the agency, but she now faces the requirement of having to re-litigate her merits case, which itself implicates substantial due process concerns. In addition, her case which

¹ The term "records" as used herein includes all records or communications preserved in electronic or written form, including but not limited to correspondence, regulations, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

raises “possible questions about the government’s integrity which affect public confidence” has garnered significant media attention.

Ms. B [REDACTED] agrees to pay all search costs up to \$250.00. If the agency estimates that the fees will exceed this limit, please notify us of the amount of these fees before fulfilling this request.

Please contact me should you require further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Blaine Bookey". The signature is stylized with a large "B" and a cursive "Bookey".

Blaine Bookey
Co-Legal Director
bookeybl@uchastings.edu

U.S. Department of Justice

Certification of Identity

FORM APPROVED OMB NO.
1103-0016 EXPIRES 05/31/2020

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ [REDACTED]Citizenship Status ² [REDACTED] Social Security Number ³ [REDACTED]

Current Address [REDACTED]

Date of Birth [REDACTED] Place of Birth [REDACTED] El Salvador

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Blaine Bookey, Center for Gender and Refugee Studies, 200 McAllister St, San Francisco, CA 94131

Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature [REDACTED] Date 3/20/2018

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

CERTIFIED STATEMENT IN SUPPORT OF EXPEDITED PROCESSING

I, Blaine Bookey, declare as follows:

1. I represent [REDACTED] B [REDACTED] (A [REDACTED]) in her current proceedings before the Board of Immigration Appeals and the U.S. Attorney General.
2. I make this statement pursuant to 28 CFR § 16.5(e)(3) explaining the basis for expedited processing of a Freedom of Information Act Request.
3. Ms. [REDACTED] has signed Form DOJ-361 authorizing release of the requested information to me, her attorney.
4. On December 8, 2016, the Board of Immigration Appeals ("BIA") sustained Ms. [REDACTED]'s appeal of the Immigration Judge's denial of her asylum claim and remanded for completion of routine background checks and entry of a grant of asylum.
5. Following remand, Ms. [REDACTED] completed her background checks which were found to be clear. However, on August 18, 2017, the Immigration Judge certified Ms. [REDACTED]'s case back to the BIA.
6. Before the BIA ruled on the Immigration Judge's order of certification, the Attorney General certified Ms. [REDACTED]'s case to himself and requested briefing in the case from the parties currently due by April 6, 2018. *See Matter of A-B-*, 27 I&N Dec. 227 (A.G. 2018).
7. Pursuant to the Freedom of Information Act ("FOIA"), Ms. [REDACTED] now requests disclosure of all records that were prepared, received, transmitted, collected and/or maintained by the Department of Justice ("DOJ") that contain, discuss, refer to, or are related to the Attorney General's decision to certify to himself her asylum case.
8. Ms. [REDACTED] seeks expedited treatment of her request pursuant to the DOJ FOIA regulations found at 28 CFR § 16.5(d)(1)(iii), (iv) to avoid "loss of substantial due process rights" given the impending briefing deadline in her case as well as the fact that her case presents a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."
9. Absent the requested information, Ms. [REDACTED] faces the risk of being unable to fully raise and articulate due process concerns around the Attorney General's certification decision and the underlying Immigration Judge action in her briefing. Failure to raise the issues before the Attorney General may further risk waiver of the issues for any further federal court appeal.

10. Ms. [REDACTED] s case has garnered significant public attention including in the media¹ and the academic and non-profit advocacy communities as well as with Members of Congress. Her case has broader implications for the public interest given the Attorney General's significantly increased use of the certification process in immigration cases in recent months.

I certify that the statements contained in this declaration are true and correct to the best of my knowledge and belief.

3-26-2018

Date

[REDACTED]

Blaine Bookey

¹ For example, Ms. [REDACTED] s case has been covered by National Public Radio, CNN, Politico, and Vice and other media outlets have inquired regarding the case for potential additional coverage.